

REMARKS

Claims 1-23 are pending. By this Amendment, claims 2, 4, 11-13, 15 and 21 are cancelled and claims 1, 10, and 18 are amended. After entry of this Amendment, claims 1, 3, 5-10, 14, 16-20, and 22-23 will remain pending in the present application.

Rejection under Section 102

The Examiner rejected claims 1, 3-10 and 14-23 under 35 U.S.C. § 102(b) as being anticipated by Sparks et al., U.S. Patent No. 3,081,038.

With this Amendment independent claims 1, 10 and 18 have been amended to indicate that the cover is removably attached to the frame. Claims 4, 15 and 21, which previously included these elements, have been cancelled.

Sparks et al. does not teach or suggest removably attaching to cover to the frame as is set forth in the amended independent claims. To the contrary, the embodiments illustrated in Figs. 5-8 of Sparks et al. indicate that the cover forms an enclosure that is designed to receive water to provide ballast. In light of the figures and illustrations in Sparks et al., removably attaching the cover to the frame would require significant revision of this sprinkler. There is no teaching or suggestion to make such a revision in Sparks et al., or otherwise referenced by the Examiner.

In light of the preceding comments, it is submitted that the claims of the present application are not anticipated by or obvious when viewed in light of Sparks et al. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 1, 3-10 and 14-23 under 35 U.S.C. § 102(e) as being anticipated by Heren et al., U.S. Patent No. 6,604,697.

Without conceding that Heren et al., discloses a cover removably attached to the frame, submitted herewith is a Declaration under Section 131(a) swearing behind Heren et al. In light of this declaration, reconsideration and withdrawal of this rejection are respectfully requested.

Double Patenting Rejection

The Examiner rejected claims 2 and 11-13 under 35 U.S.C. § 101 based upon applicant's prior U.S. Patent No. 6,637,679. Claims 2 and 11-13 have been cancelled. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Bondi". The signature is written in a cursive, flowing style.

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